



Attorney Docket: 127FR/50019
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: GERHARD BABUKE ET AL.

Serial No.: 09/868,317 Group Art Unit: 2837

Filed: SEPTEMBER 13, 2001 Examiner: R. McCloud

Title: STRUCTURED PRE-FORM BODIES FOR SOUND ABSORPTION

*12/Response
Chrysa
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REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply is being filed in response to the Office Action dated April 23, 2003 (Paper No. 11). Reconsideration of the application is requested.

Independent claim 11 was rejected, along with various dependent claims, as being unpatentable over U.S. Patent 5,780,785 to Eckel in view of U.S. Patent 3,712,413 to Eckel. Reconsideration is requested.

The Examiner asserts that the sound absorbing device or unit shown in Figure 1 of the Eckel ('785) patent has "a non-symmetrical distribution of height and cross section forming a moderator gap". It is respectfully submitted, however, that the Eckel ('785) patent shows a symmetrical height and cross section distribution. Item 100 shown in Eckel ('785) Figure 1 is the peak of a symmetrical spire 90. The spires 50 and 70 are symmetrical relative to the spire 90. All of the spires

have the same height (see Figures 1, 2 and 5). The spire 50 and the spire 70 have the same cross section. It is respectfully submitted that a conclusion that the Eckel ('785) patent discloses a non-symmetrical distribution of height and cross section is not proper.

It is also submitted that neither column 2, lines 37-46, nor Figure 1 of the Eckel ('785) patent suggests that spire height corresponds to a thickness (not density) of the base layer. Figures 1 and 5 of the Eckel ('785) patent suggest that the spire height is nearly twice the thickness of the base layer.

The Eckel ('413) patent, additionally, does not suggest why configuring the members 10 and 14 as disclosed provides for sound wave absorption. In column 2, lines 23 to 34, it is disclosed that every possible space or joint should be sealed. The Eckel ('413) patent does not discuss why the members 10 and 14 should be configured according Figure 1 thereof. It follows that a person of ordinary skill in the art would have found no suggestion in the Eckel ('413) patent disclosure to modify the Eckel ('785) device.

Finally, no possible combination of the Eckel ('785) and Eckel ('413) disclosures would result in the invention as presently claimed. In the Eckel ('413) device, the members 10 and 14 are two sided bevels (see Figure 1 and Figure 5, which is only another perspective of the configuration shown in Figure 1). It is respectfully submitted that the Eckel ('413)

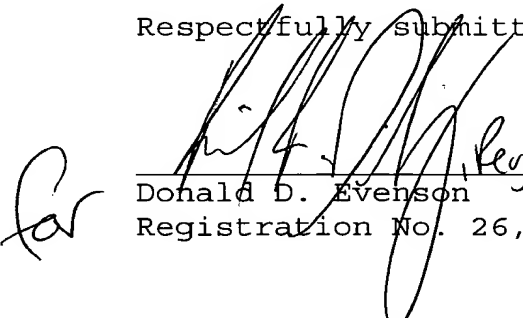
patent does not suggest modifying the device forming the subject matter of the Eckel ('785) patent so that each column in each of a plurality of structured pre-form bodies has a one-side bevel cut on a side of a column adapted to face a room and so that a moderator gap has a one-side bevel cut on its base side.

Claim 11 is patentable in its present form for reasons discussed above. The rest of the claims in this application are dependent claims and are patentable as well.


This application is in condition for allowance, in its present form, for reasons discussed above. Should the Examiner have any questions after considering this Reply, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

Date: July 23, 2003


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